

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 09 October 2000 (09.10.00)	
<b>International application No.</b> PCT/JP00/00931	<b>Applicant's or agent's file reference</b> PCT-1723
<b>International filing date</b> (day/month/year) 18 February 2000 (18.02.00)	<b>Priority date</b> (day/month/year) 19 February 1999 (19.02.99)
<b>Applicant</b> MUTA, Kazunori et al	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

28 August 2000 (28.08.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<b>The International Bureau of WIPO</b> 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	<b>Authorized officer</b>  Antonia Muller  Telephone No.: (41-22) 338.83.38
--	---

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

TECH CENTER 1600/2900

JAN 16 2001

RECEIVED

Applicant's or agent's file reference PCT-1723	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP00/00931	International filing date (day/month/year) 18 February 2000 (18.02.00)	Priority date (day/month/year) 19 February 1999 (19.02.99)
International Patent Classification (IPC) or national classification and IPC A61K 9/70, 47/10, 47/30, 7/00		
Applicant HISAMITSU PHARMACEUTICAL CO., INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 28 August 2000 (28.08.00)	Date of completion of this report 11 May 2001 (11.05.2001)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/00931

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/JP 00/00931

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	3, 5	YES
	Claims	1, 2, 4	NO
Inventive step (IS)	Claims	3, 5	YES
	Claims	1, 2, 4	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

### 2. Citations and explanations

- Document 1: JP, 57-206614, A (Sansei Seiyaku KK), 18 December 1982 (18.12.82)
- Document 2: JP, 8-53354, A (Hisamitsu Pharmaceutical Co., Inc.), 27 February 1996 (27.02.96)
- Document 3: JP, 61-260014, A (Nitto Electric Co., Ltd.), 18 November 1986 (18.11.86)
- Document 4: JP, 3-188149, A (Otsuka Pharmaceutical Factory, Inc.), 16 August 1991 (16.08.91)

Claims 1, 2 and 4

The inventions described in Claims 1, 2 and 4 are not novel over Document 1 cited in the international search report.

The invention described in Claim 1 differs from the control sample in Document 1, Example I, in that in the invention described in Claim 1 the quantity of heat required in order to evaporate moisture during exposure for 30 minutes in an atmosphere at 25°C and 60% RH is 0.6 (cal) per unit area (cm<sup>2</sup>), whereas this is not mentioned in Document 1.

(1) The inclusion rates of "pure water", "humidifying agent", "water-soluble polymer" and "crosslinking agent" constituting an adhesive preparation described in Claim 1 are 30-95 wt%, 1-50 wt%, 3-25 wt% and 0.001-20 wt%

respectively, and the control sample in Document 1 has such a composition (35.15%, 30%, 10.15% and 15%) (similar to Example 6 in the present application).

In the field of adhesive preparations, determination of moisture evaporation with a view to improving factors such as the sense of cooling is a known technique (see Document 1 and JP, 60-226808, A).

The invention described in Claim 1 uses the feature of the quantity of heat required per unit surface area in order to evaporate moisture as a criterion for coolness; however, this is merely the result of determining the quantity of moisture evaporated and merely expresses this in the form of another value found from the latent heat of water at 25°C and referred to an arbitrary temperature, relative humidity and exposure time.

Since the composition, production process and functions of these inventions in the present application are the same as for the invention disclosed in Document 1, they are essentially the same inventions.

The inventions described in Claims 1, 2 and 4 also do not involve an inventive step in the light of Document 1 cited in the international search report.

The control sample in Document 1 shows continuous volatilization and dispersion of constant quantities of moisture, and therefore dissipates a corresponding quantity of heat of evaporation from the skin and gives a cooling effect.

Therefore, a person skilled in the art could easily conceive of suitably altering the inclusion rates in the composition of the reference sample in Document 1 in order to give a pleasant feeling when applied.

The inventions described in Claims 1, 2 and 4 also are not novel and do not involve an inventive step in the light of Documents 2-4 cited in the international search

report.

(2) The composition of Example 4 in Document 2 (57.96%, 20%, 8%, 1%) (similar to Example 4 in the present application), among others, is that of an adhesive preparation described in Claim 1. The adhesive preparations disclosed in Document 2 are also expected to have a cooling effect.

(3) The composition of Example 1 in Document 3 (32%, 42%, 22%, 0.5%) (similar to Example 6 in the present application), is that of an adhesive preparation described in Claim 1. The adhesive preparations disclosed in Document 3 also give a persistent cooling sensation.

(4) Table 1 in Document 4 shows compositions the same as for an adhesive preparation described in Claim 1. The adhesive preparations disclosed in Document 4 also have a cooling effect.

Claims 3 and 5

Documents 1-4 neither disclose nor suggest including a glycol as a humidifying agent, or use as a pack in the form of a sheet. Therefore, the inventions described in Claims 3 and 5 are novel and involve an inventive step.